

Exhibit 1

1 CAUSE NO. DC-18-17902
2 LOUIS PAPA,) IN THE DISTRICT COURT
)
3 Plaintiff,)
)
4 vs.) 44th JUDICIAL DISTRICT
)
5 PANINI AMERICA, INC. AND)
 BECKETT COLLECTIBLES, INC.)
6 D/B/A BECKETT GRADING SERVICES,)
)
7 Defendants.) DALLAS COUNTY, TEXAS

8
9 ORAL DEPOSITION OF
10 JEROMY MURRAY
11
12 FEBRUARY 12, 2020
13
14

15 ORAL DEPOSITION of JEROMY MURRAY, produced
16 as a witness at the instance of the Plaintiff, and
17 duly sworn, was taken in the above-styled and
18 numbered cause on the 12th of February, 2020, from
19 10:09 a.m. to 12:25 p.m., before Karen L. Shelton,
20 RDR/CRR/CSR in and for the State of Texas, reported
21 by machine shorthand at the offices of Condon Tobin
22 Sladek Thornton, 8080 Park Lane, Suite 700, Dallas,
23 Texas, pursuant to the Texas Rules of Civil
24 Procedure and any provisions stated on the record or
25 attached hereto.

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 FOR THE PLAINTIFF:</p> <p>4 MR. K. PATRICK BABB</p> <p>5 FOX ROTHSCHILD, LLP</p> <p>6 Two Lincoln Centre</p> <p>7 5420 LBJ Freeway</p> <p>8 Suite 1200</p> <p>9 Dallas, Texas 75240</p> <p>10 (972) 991-0889</p> <p>11 (972) 404-0516 (fax)</p> <p>12 pbabb@foxrothschild.com</p> <p>13</p> <p>14 FOR THE DEFENDANT PANINI AMERICA, INC.:</p> <p>15</p> <p>16 MR. JOSEPH A. UNIS, JR.</p> <p>17 LOCKE LORD, LLP</p> <p>18 2200 Ross Avenue</p> <p>19 Suite 2800</p> <p>20 Dallas, Texas 75201</p> <p>21 (214) 740-8448</p> <p>22 (214) 740-8668 (fax)</p> <p>23 junis@lockelord.com</p> <p>24</p> <p>25 FOR THE DEFENDANT BECKETT COLLECTIBLES, INC.</p> <p>26 D/B/A BECKETT GRADING SERVICES:</p> <p>27 MR. KENDAL B. REED</p> <p>28 CONDON TOBIN SLADEK THORNTON</p> <p>29 8080 Park Lane</p> <p>30 Suite 700</p> <p>31 Dallas, Texas 75231</p> <p>32 (214) 265-3800</p> <p>33 (214) 691-6311 (fax)</p> <p>34 kreed@ctstlaw.com</p> <p>35</p>	<p style="text-align: right;">Page 4</p> <p>1 JEROMY MURRAY</p> <p>2 having been first duly sworn, testified as follows:</p> <p>3 EXAMINATION</p> <p>4 BY MR. BABB:</p> <p>5 Q. Mr. Murray, I know we just met, but could</p> <p>6 you say your name for the record?</p> <p>7 A. Sure. My name is Jeromy Murray and it's</p> <p>8 J-E-R-O-M-Y, last name M-U-R-R-A-Y.</p> <p>9 Q. And do you have any nicknames you go by?</p> <p>10 A. I don't.</p> <p>11 Q. Have you ever gone by any other names than</p> <p>12 Jeromy Murray?</p> <p>13 A. I have not.</p> <p>14 Q. Again, we introduced ourselves. I'm</p> <p>15 Patrick Babb. You understand who I am and that I</p> <p>16 represent the plaintiff in this suit, Lou Papa, who</p> <p>17 has sued your company, Beckett?</p> <p>18 A. I do.</p> <p>19 Q. Okay. Have you ever given a deposition</p> <p>20 before?</p> <p>21 A. I have.</p> <p>22 Q. How many depositions have you given?</p> <p>23 A. This is my second one.</p> <p>24 Q. Okay. Welcome back to the party.</p> <p>25 When did you give the other deposition?</p>
<p style="text-align: right;">Page 3</p> <p>1 INDEX</p> <p>2</p> <p>3 Page</p> <p>4 Appearances 2</p> <p>5 JEROMY MURRAY</p> <p>6 Examination By Mr. Babb 4</p> <p>7 Signature and Changes 93</p> <p>8 Reporter's Certificate 95</p> <p>9</p> <p>10 EXHIBITS</p> <p>11 No. Description Page</p> <p>12 Exhibit 1 Emails 10</p> <p>13 PANINI_0000111 - 113</p> <p>14</p> <p>15 Exhibit 2 Printout from The Official 24</p> <p>16 Panini America Blog</p> <p>17 PLAINTIFF 000089 - 95</p> <p>18</p> <p>19 Exhibit 3 Summary Notes 32</p> <p>20 PLAINTIFF 000014 - 16</p> <p>21 Exhibit 4 Email 50</p> <p>22 PANINI_0000119</p> <p>23</p> <p>24 Exhibit 5 Emails 78</p> <p>25 PANINI_0000026 - 31</p> <p>26 Exhibit 6 Emails 79</p> <p>27 PANINI_0000046 - 50</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p>	<p style="text-align: right;">Page 5</p> <p>1 A. It was a couple months ago.</p> <p>2 Q. And was that for the litigation with Leaf?</p> <p>3 A. It is.</p> <p>4 Q. Okay. That's all I need to know. I won't</p> <p>5 go any further into it. Don't worry.</p> <p>6 Well, so you're well versed. Kendal is a</p> <p>7 great attorney, so I know he's prepped you already.</p> <p>8 But just to go back over the ground rules, Madam</p> <p>9 Court Reporter is taking down everything we say, so</p> <p>10 answer out loud. If you ever want to take a break,</p> <p>11 let me know. We're on your time. The only caveat</p> <p>12 is if there's a question pending, if you'll agree to</p> <p>13 answer that question before we take that break.</p> <p>14 A. Okay.</p> <p>15 Q. Okay? You understand that you've been</p> <p>16 sworn in and you're under oath?</p> <p>17 A. I do.</p> <p>18 Q. Okay. So that means your testimony today</p> <p>19 is the same as if we were in front of a judge and</p> <p>20 jury.</p> <p>21 A. Correct, yes.</p> <p>22 Q. If you don't understand a question, let me</p> <p>23 know. I'll be the first to tell you I'm not the</p> <p>24 best deposition taker in the world, so I'm going to</p> <p>25 ask some bad questions. If you don't understand,</p>

<p style="text-align: right;">Page 6</p> <p>1 just let me know. Okay?</p> <p>2 A. Okay. Will do.</p> <p>3 Q. Did you review any documents in</p> <p>4 preparation for your deposition?</p> <p>5 A. The only thing that I reviewed were the</p> <p>6 documents my attorney provided to me --</p> <p>7 Q. Okay.</p> <p>8 A. -- for the case.</p> <p>9 Q. And did you use those documents to refresh</p> <p>10 your memory?</p> <p>11 A. I did.</p> <p>12 Q. And were they documents that Beckett had</p> <p>13 produced to your attorney before?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And you currently work for Beckett?</p> <p>16 A. I do.</p> <p>17 Q. And how long have you worked there?</p> <p>18 A. I will be 20 years in September.</p> <p>19 Q. So then September 2000?</p> <p>20 A. 2000, yes.</p> <p>21 Q. And what's your job title?</p> <p>22 A. I'm the vice president of the grading and</p> <p>23 authentication divisions.</p> <p>24 Q. Has that always been your title with</p> <p>25 Beckett?</p>	<p style="text-align: right;">Page 8</p> <p>1 authentication, what are your general duties?</p> <p>2 A. Generally, working budgets, plans,</p> <p>3 business development plans, growth of the business,</p> <p>4 opportunities for the company. That's the basic</p> <p>5 things. A little bit on the day-to-day operations,</p> <p>6 helping out with some of our team there, but</p> <p>7 otherwise just looking for growth of the business.</p> <p>8 Q. Okay. As vice president do you have any</p> <p>9 control or say in quality assurance for Beckett?</p> <p>10 MR. REED: Objection, form.</p> <p>11 A. Not necessarily. For the grading side of</p> <p>12 the business, we have leaders in each of the areas</p> <p>13 that sort of handle that role. If I need to be</p> <p>14 brought in for some reason or the other, I am, but</p> <p>15 not day-to-day or anything like that do I have any</p> <p>16 sort of quality assurance or anything that I deal</p> <p>17 with.</p> <p>18 Q. So, in other words, you haven't developed</p> <p>19 a guideline or set of rules for graders with trading</p> <p>20 cards?</p> <p>21 A. Not me per se. Our grading managers have</p> <p>22 a -- have a plan and a procedure book that they have</p> <p>23 together for their training and learning, but I had</p> <p>24 nothing to do with that.</p> <p>25 Q. So in this case you understand we're here</p>
<p style="text-align: right;">Page 7</p> <p>1 A. It has not.</p> <p>2 Q. When did that become your title?</p> <p>3 A. From what I recall, it was about three</p> <p>4 years ago.</p> <p>5 Q. So around 2016, '17?</p> <p>6 A. Yeah, as I recall, it was -- that's about</p> <p>7 the time it was.</p> <p>8 Q. And what were you doing for Beckett before</p> <p>9 that?</p> <p>10 A. Before this position, I was operations</p> <p>11 director handling the daily flow of work. Before</p> <p>12 that was in sales and customer service.</p> <p>13 Q. Do you remember about year wise when you</p> <p>14 were doing your work as operations director?</p> <p>15 A. It was right before becoming vice</p> <p>16 president, so I would say three, three years ago,</p> <p>17 four years ago, somewhere in that zone. And I was</p> <p>18 that for probably three years as well, yeah.</p> <p>19 Q. And then prior to that you were sales and</p> <p>20 customer service?</p> <p>21 A. Sales and customer service, yes.</p> <p>22 Q. And so we've gone over all your jobs</p> <p>23 for -- your job titles for Beckett?</p> <p>24 A. That's correct, yeah, and duties.</p> <p>25 Q. So as vice president for grading and</p>	<p style="text-align: right;">Page 9</p> <p>1 about my client's Tom Brady 2000 Playoff Contenders</p> <p>2 trading card?</p> <p>3 A. Correct, yes.</p> <p>4 Q. And in this case you were obviously looped</p> <p>5 in at some point because your name appears in</p> <p>6 several emails.</p> <p>7 A. I was.</p> <p>8 Q. Okay. Why were you -- if it's not part of</p> <p>9 your day-to-day operations, why were you looped into</p> <p>10 this situation?</p> <p>11 A. This situation for a couple of reasons.</p> <p>12 Number one, the value of the card in question. When</p> <p>13 it gets up to -- if there's a value that's</p> <p>14 associated with a new product purchase or in this</p> <p>15 situation a card of this value, they loop me in just</p> <p>16 so I'm aware of that.</p> <p>17 And then number two, just the relationship</p> <p>18 that we have with Panini, the guys that work over</p> <p>19 there. It just sort of looped me into it since we</p> <p>20 have that type of business relationship.</p> <p>21 Q. And just so we're clear on the record, as</p> <p>22 far as Beckett Grading Services goes, they're in the</p> <p>23 business of grading trading cards, right?</p> <p>24 A. Correct, yeah. We give an opinion on a</p> <p>25 card based on its condition.</p>

<p style="text-align: right;">Page 10</p> <p>1 Q. And you're familiar with the 2000 Playoff 2 Contenders Tom Brady rookie ticket that my client's 3 bringing this lawsuit about? 4 A. I am. 5 Q. And for the rest of the deposition, I'm 6 going to refer to it as "the card." You understand 7 that unless I refer to it -- refer to some other 8 specific card, when I say "the card" that's what I'm 9 talking about? 10 A. Perfect. That's great. 11 Q. And this 2000 Playoff Contenders Tom Brady 12 rookie ticket card that my client's brought this 13 lawsuit about, that card is altered, correct? 14 MR. REED: Objection, form. 15 MR. UNIS: Object to form. 16 A. In our opinion, it is an altered card. 17 (Exhibit 1 marked) 18 MR. BABB: Joe, you're going to love me 19 today. 20 MR. UNIS: Thank you very much. 21 MR. REED: No copy for me? 22 MR. BABB: You're right there. 23 MR. REED: It's the witness copy. 24 MR. BABB: Come on. 25 Q. So I've handed you and your attorney what</p>	<p style="text-align: right;">Page 12</p> <p>1 spend a little extra time on this Brady card. I 2 know this isn't an ideal situation for anyone but 3 was ideal for us to spend a little more time on this 4 and talk with the guys from Panini. After looking 5 more at this card, we are all in agreement here that 6 the top edge appears to be altered in some way." 7 Did I read that correctly? 8 A. It does, yes. 9 Q. Okay. And so just so we're clear, you 10 said it's Beckett's opinion that the card is 11 altered, and that's what you're talking about, 12 right? 13 A. Correct. 14 MR. REED: Objection, form. 15 Give me some time to object. 16 THE WITNESS: Okay. Sorry. 17 Q. And as you sit here today, is it still 18 your opinion that the card is altered? 19 A. Yes. 20 MR. REED: Objection, form. 21 A. In our graders' opinion, it is. 22 Q. And in your experience, can an altered 23 card have an affected value as a result? 24 MR. REED: Objection, form. 25 A. It can in some situations, yes.</p>
<p style="text-align: right;">Page 11</p> <p>1 I've marked as Exhibit 1, and I'll represent to you 2 that it's a series of emails between -- well, 3 between yourself and Nate, who's my client -- Nathan 4 Nichols, who is my client's representative, J.J. 5 Arredondo with Beckett, Nick Matijevich at Panini, 6 and Robert Springs at Panini. 7 And principally what I want to look at is 8 the email beginning on the second page there. At 9 the bottom you'll see -- bottom right it'll read 10 PANINI_0000112. And you'll see that beginning about 11 one third up the page, it's an email and it looks 12 like it's from you. Do you see that? 13 A. I do. 14 Q. Okay. And it looks like it was sent 15 Tuesday, August 14th of 2018. And it looks like 16 you're sending that to my client's representative, 17 Nathan Nichols. Would you agree with that? 18 MR. REED: Objection, form. 19 A. Yes, it did go to Nathan. There were 20 others copied on the email. 21 Q. Sure. And so you cc'd J.J. Arredondo, 22 Nick at Panini, and Rob at Panini, right? 23 A. Correct, yes. 24 Q. And I just want to point to the first 25 paragraph here. It reads, "Thanks for letting us</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. And it can be affected negatively, right? 2 MR. REED: Objection, form. 3 A. In most situations, yes. 4 Q. Now, as far as you know, did Beckett ever 5 reach a conclusion as to who trimmed this card? 6 MR. UNIS: Object to form. 7 MR. REED: Objection, form. 8 A. No. We -- we don't ever offer that type 9 service. There's no way we could tell that. 10 Q. Sure. And as far as you know, did Beckett 11 ever reach a conclusion as to when the card was 12 trimmed? 13 MR. UNIS: Object to form. 14 MR. REED: Objection, form. 15 A. No, absolutely not. 16 MR. UNIS: Patrick, just so I'm not 17 speaking over Kendal, can we agree that his 18 objections to form are -- 19 MR. BABB: You want joint objections? 20 MR. UNIS: Yeah. 21 MR. BABB: That's fine. 22 MR. UNIS: I think that's in the interest 23 of clarity. Thanks. 24 Q. Are you aware of any other instances that 25 Beckett has received a complaint about one of its</p>

<p style="text-align: right;">Page 14</p> <p>1 graded cards having being trimmed?</p> <p>2 A. There have been a few instances, but it's</p> <p>3 very, very rare.</p> <p>4 Q. Sure. When -- other than obviously my</p> <p>5 client's claim, when is the last time you recall</p> <p>6 someone making a claim that their graded card</p> <p>7 through Beckett had been trimmed?</p> <p>8 A. It's a tough question to answer because</p> <p>9 there's a lot of claims that come in from customers,</p> <p>10 emails, calls, things like that that are -- there's</p> <p>11 nothing proven or hard fact of that.</p> <p>12 So there's -- there's claims that come in</p> <p>13 through our customer service. I don't necessarily</p> <p>14 deal with customer service. Last time I've dealt</p> <p>15 with a situation like this was six or seven months</p> <p>16 ago.</p> <p>17 Q. And I guess what I'm curious about then is</p> <p>18 I understand there are going to be claims and not</p> <p>19 necessarily all of them have merit.</p> <p>20 A. Sure.</p> <p>21 Q. Some people are just upset about their</p> <p>22 grade, I'm sure. But the -- I guess the last</p> <p>23 time -- I'm asking about the last time that Beckett</p> <p>24 acknowledged that one of the graded cards had been</p> <p>25 trimmed.</p>	<p style="text-align: right;">Page 16</p> <p>1 MR. UNIS: Object to form.</p> <p>2 A. There's a possibility. But -- but based</p> <p>3 on what we're seeing and based on what they're</p> <p>4 saying, this is the card that went into their --</p> <p>5 that product.</p> <p>6 Q. So as you sit here today, do you have any</p> <p>7 bit of information that suggests to you that this is</p> <p>8 not the card that Panini put in their product?</p> <p>9 MR. REED: Objection, form.</p> <p>10 A. I don't have any information that says it</p> <p>11 would or would not be.</p> <p>12 Q. In the last 20 years that you've been</p> <p>13 working for Beckett, have you worked for any other</p> <p>14 company?</p> <p>15 A. I have not.</p> <p>16 Q. And prior to joining Beckett in 2000, what</p> <p>17 were you doing for work?</p> <p>18 A. I worked for my dad at the World Trade</p> <p>19 Center here in Dallas selling Christmas items</p> <p>20 wholesale, like a wholesale Christmas retail.</p> <p>21 Q. How long did you do that?</p> <p>22 A. For a year.</p> <p>23 Q. Prior to working for Beckett, did you have</p> <p>24 any other experience working with a company involved</p> <p>25 in trading cards?</p>
<p style="text-align: right;">Page 15</p> <p>1 MR. REED: Objection, form.</p> <p>2 A. I truly don't -- I don't know that. That</p> <p>3 would have been something that a customer service</p> <p>4 rep or something like that might have gotten that.</p> <p>5 But for us to admit it, I don't know exactly when</p> <p>6 that would have been.</p> <p>7 Q. And so this is a truly unique situation.</p> <p>8 MR. UNIS: Object to form.</p> <p>9 MR. REED: Objection, form.</p> <p>10 A. Yeah, it's a very, very rare situation for</p> <p>11 something like this.</p> <p>12 Q. Are you personally aware of any other</p> <p>13 instances in which Panini has placed a trimmed card</p> <p>14 into one of its series?</p> <p>15 MR. UNIS: Object to form.</p> <p>16 A. I don't know of any situation like that.</p> <p>17 Q. Not even this situation?</p> <p>18 MR. REED: Objection, form.</p> <p>19 A. This situation, if this -- if this is</p> <p>20 indeed the card that went into their product, then I</p> <p>21 guess -- I guess that it would.</p> <p>22 Q. Okay. And so you're saying if this is</p> <p>23 indeed the card that went into the product. You're</p> <p>24 suggesting that maybe this is not the card that</p> <p>25 Panini actually placed in the product?</p>	<p style="text-align: right;">Page 17</p> <p>1 A. No.</p> <p>2 Q. Prior to working for Beckett, did you</p> <p>3 collect trading cards personally?</p> <p>4 A. I did when I was at junior high,</p> <p>5 elementary age.</p> <p>6 Q. And you stopped -- so you stopped</p> <p>7 collecting trading cards around high school?</p> <p>8 A. I -- I didn't -- it would have been in the</p> <p>9 early Nineties, so probably right before high</p> <p>10 school.</p> <p>11 Q. Do you still have any trading cards that</p> <p>12 you've collected?</p> <p>13 A. I have a few trading cards but I'm not a</p> <p>14 collector or anything like that, just stuff that I</p> <p>15 had still when I was younger.</p> <p>16 Q. So it's maybe some of the cards that you</p> <p>17 liked that you collected when you were younger?</p> <p>18 A. Yeah. The ones I can think of right now</p> <p>19 are a CBA basketball team from Wichita Falls, so</p> <p>20 that's not a -- not a whole lot of value there.</p> <p>21 Q. Do you currently have any cards that you</p> <p>22 do think hold significant financial value?</p> <p>23 A. Not that I can think of, no.</p> <p>24 Q. Where did you go to high school?</p> <p>25 A. I went to Wichita Falls High School in</p>

<p style="text-align: right;">Page 42</p> <p>1 A. Tough question to answer because my mind 2 immediately goes back to how it's stamped on the 3 card. But you could have -- you could have a point 4 there that it could be labeled like that if it was 5 in the checklist, a publicly available checklist. 6 Q. Sure. 7 A. There's a possibility. 8 Q. Turning to the second page, that second 9 paragraph reads, "Flew to the National Sports 10 Collectors Convention on 8/3/2018 and arrived in 11 Cleveland late that night/early morning of 12 8/4/2018." Do you see that? 13 A. I do. 14 Q. Okay. So we're at the collectors or we're 15 at the national now. And that's the national in 16 Cleveland that you were talking about, correct? 17 A. Right. 18 MR. REED: Objection, form. 19 A. Correct. 20 Q. Three paragraphs below that, it begins, 21 "Around 5 p.m. I was once again called by PSA on my 22 phone to come back to their booth to discuss the 23 card. Devin Carrillo then informed me that their 24 graders had determined the card was trimmed and was 25 below measurement tolerance despite all of the cards</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. And he mentions two graders here, one 2 grader that thought it was okay and another wasn't 3 sure. Do you recall who those -- who the graders 4 would have been at that time? 5 A. I don't recall who the graders would have 6 been. 7 Q. Okay. Do you have a belief as to who they 8 may have been? 9 MR. REED: Objection, form. 10 A. I don't. I mean, probably in a situation 11 like this it would have gone to one of our senior 12 guys to take a look at it, but I don't know 13 specifically who saw it the first time. 14 Q. How many graders does Beckett take to the 15 national? 16 MR. REED: Objection, form. 17 A. It varies from year to year, but in most 18 situations it's seven or eight graders. 19 Q. Would there be a way of Beckett finding 20 out who all they sent as graders to the national in 21 2018? 22 MR. REED: Objection, form. 23 A. Yes, we could find that out. 24 Q. And it says that they were unwilling to 25 authenticate/grade the card at that time.</p>
<p style="text-align: right;">Page 43</p> <p>1 being naturally short from the factory. They 2 informed me that they would be willing to slab the 3 card as 'Authentic' and grade the autograph only, 4 but they would not give the card itself a numerical 5 grade. I then took possession of the card, 6 immediately contacted J.J. Arredondo at BGS, walked 7 the card over to their booth, and submitted the card 8 with him for a second opinion. He indicated that 9 one grader thought it was okay and another wasn't 10 sure and they were unwilling to authenticate/grade 11 the card with a numerical grade at that time." 12 Did I read that correctly? 13 A. You did. 14 Q. And so this sounds like it's about the 15 time where you start coming into this because he -- 16 Nate has now brought the card to the Beckett booth 17 for a second opinion. Does that sound fair to you? 18 MR. REED: Objection, form. 19 A. Yeah, it sounds like this is probably when 20 I was brought in the situation. 21 Q. And do you recall Nathan bringing this 22 card back to the booth for a second opinion? 23 A. I don't. I don't know when -- if it was 24 for the second opinion or the first time. I don't 25 know that.</p>	<p style="text-align: right;">Page 45</p> <p>1 Why -- what's your understanding as to why 2 Beckett was unwilling to issue a numerical grade at 3 that time? 4 MR. REED: Objection, form. 5 A. I think it's what we talked about before. 6 They thought the card appeared altered in the one 7 touch Panini -- or, yeah, Panini case. 8 Q. And is it Beckett's policy to not grade 9 altered cards? 10 MR. REED: Objection, form. 11 A. We do not put a numerical grade on a card 12 that we deem is altered. 13 Q. So if I see a card in a graded Beckett 14 slab, it's safe for me to assume that that card is 15 not altered? 16 MR. REED: Objection, form. 17 A. Yes, you can assume that. 18 Q. On the last page, the first paragraph 19 reads, "On or about 8/7/2018, I received the card 20 via FedEx overnight service and immediately took 21 scans of the card front/back. I then took the card 22 over to BGS and gave the card directly to J.J. 23 Arredondo at BGS for them to review. I also gave 24 him explicit instructions that the card was not to 25 be taken out of the PSA holder it was in."</p>

<p style="text-align: right;">Page 54</p> <p>1 touch for the Honors program, so the card is</p> <p>2 absolutely good." Do you see that?</p> <p>3 A. I do.</p> <p>4 Q. Okay. And so can you explain what Beckett</p> <p>5 breaking a slab means?</p> <p>6 MR. REED: Objection, form.</p> <p>7 A. In this situation it means that we removed</p> <p>8 those cards that they're referring to from a graded</p> <p>9 case, a sealed graded case. You mentioned before it</p> <p>10 was PSA and BGS, so I don't know which one it --</p> <p>11 what it was referring to.</p> <p>12 Q. Are the slabs that Beckett places their</p> <p>13 graded cards in, are they tamperproof?</p> <p>14 MR. REED: Objection, form.</p> <p>15 A. As far as I know, yes, they are.</p> <p>16 Q. And do you know how they're tamperproof?</p> <p>17 Is it a patented process that Beckett has, or is it</p> <p>18 just glue around an edge?</p> <p>19 MR. REED: Objection, form.</p> <p>20 A. It is a patented process. There's no glue</p> <p>21 involved there. It's -- we have several -- some</p> <p>22 security measures in place that it can't be tampered</p> <p>23 with, as far as I know.</p> <p>24 Q. And are you aware of any way they could be</p> <p>25 tampered with without Beckett being able to tell?</p>	<p style="text-align: right;">Page 56</p> <p>1 MR. REED: Objection, form.</p> <p>2 A. As far as I know, we did not look at them.</p> <p>3 Q. Prior to it going back to Panini?</p> <p>4 A. Yeah, once we removed it from the graded</p> <p>5 cases, as far as I know we did not look at those</p> <p>6 cards again.</p> <p>7 Q. Do you know if Beckett has ever opted to</p> <p>8 inspect cards from other manufacturers that it broke</p> <p>9 out of its slabs?</p> <p>10 MR. REED: Objection, form.</p> <p>11 A. Not that I'm aware of. If they did, they</p> <p>12 would put the cards back through the grading process</p> <p>13 just like any other customer would.</p> <p>14 Q. And that's kind of what you were talking</p> <p>15 about earlier, what may have prevented this, right?</p> <p>16 MR. UNIS: Object to form.</p> <p>17 MR. REED: Objection, form.</p> <p>18 A. Yes, we could have looked at the cards</p> <p>19 again and had an inspection when the card was</p> <p>20 removed, yeah.</p> <p>21 Q. Now, hindsight 20/20, but do you believe</p> <p>22 Panini should have requested Beckett inspect these</p> <p>23 cards to ensure their condition before advertising</p> <p>24 them as unaltered?</p> <p>25 MR. UNIS: Object to form.</p>
<p style="text-align: right;">Page 55</p> <p>1 A. Personally, no, I'm not aware of that.</p> <p>2 Q. Does Beckett break cards out of slabs for</p> <p>3 Panini often?</p> <p>4 MR. UNIS: Object to form.</p> <p>5 A. I'm not involved with -- with that, so I</p> <p>6 can't tell you for sure how many they do or if it's</p> <p>7 a common practice.</p> <p>8 Q. Are you aware of whether they've --</p> <p>9 whether Beckett has broken cards out of slabs for</p> <p>10 Panini other than in the 2016 Honors collection?</p> <p>11 A. I can't say for a hundred percent that</p> <p>12 that's -- that has or has not happened. I can</p> <p>13 assume that it has, but I have nothing that shows it</p> <p>14 for sure.</p> <p>15 Q. Do you know if Beckett breaks cards out of</p> <p>16 its grading slabs for any other card manufacturers</p> <p>17 or distributors?</p> <p>18 A. Not specifically for -- for other</p> <p>19 manufacturers. I mean, it's a process that we do.</p> <p>20 I don't know for sure if it's for manufacturers or</p> <p>21 not.</p> <p>22 Q. Do you know if Beckett was ever asked to</p> <p>23 inspect the cards for the 2016 Honors collection</p> <p>24 after they broke them out of the Beckett slab?</p> <p>25 MR. UNIS: Object to form.</p>	<p style="text-align: right;">Page 57</p> <p>1 MR. REED: Objection, form.</p> <p>2 A. Just my opinion? I don't think they</p> <p>3 needed to. For due diligence they could have, but</p> <p>4 in my personal opinion I think that was -- it wasn't</p> <p>5 necessary in their opinion.</p> <p>6 Q. Do you know about how much that would have</p> <p>7 cost Panini?</p> <p>8 A. The price for the grading service depends</p> <p>9 on how quickly you want it done. So if they would</p> <p>10 have said we need it done immediately, it could have</p> <p>11 ranged \$40 or \$50 up to a hundred dollars per card</p> <p>12 if they needed it done immediately. We have five or</p> <p>13 six different service levels that they could have</p> <p>14 chosen from.</p> <p>15 Q. And what would the lowest level be?</p> <p>16 A. A month service where it would have cost</p> <p>17 \$7 to \$10.</p> <p>18 Q. So anywhere from \$7 to \$50 per card?</p> <p>19 A. That's a good -- a good range.</p> <p>20 Q. Do you know approximately how many cards</p> <p>21 acquired by Panini through buybacks for the Honors</p> <p>22 collection in 2016 were encased in a Beckett slab</p> <p>23 when they were brought to Beckett to be broken out?</p> <p>24 MR. REED: Objection, form.</p> <p>25 A. I do not know that.</p>

<p style="text-align: right;">Page 78</p> <p>1 threatened personally. I don't know if legal 2 situations were ever mentioned in emails between 3 Nathan and Panini or J.J. So me personally, I've 4 never felt threatened by Nathan. 5 Q. Did you ever feel as though he was overly 6 confrontational? 7 A. Personally, no, not with me. 8 (Exhibit 5 marked) 9 Q. Handing your attorney what I've marked as 10 Exhibit 5. I'll represent to you these are emails 11 that were produced by Panini. And if you'll turn to 12 the fourth page is what I'm going to be looking at. 13 Halfway down the page begins an email from 14 my client, Lou Papa, Jr., to Nick at Panini, Rob, 15 D.J., and another attorney with our firm is cc'd on 16 it as well. Do you see that email? 17 A. I do. 18 Q. Okay. Turning to the next page, the first 19 paragraph at the top is what I want to point to. 20 That paragraph reads, "One would think 21 that both Panini in combination with either PSA or 22 BGS would love the press coverage of this card being 23 pulled and have it in fact be graded and slabbed 24 exactly how your company's website indicates the 25 card on its checklist as there are no other Tom</p>	<p style="text-align: right;">Page 80</p> <p>1 Exhibit 6. I'll represent to you these are more 2 emails that were produced by Panini in this 3 litigation. If you'll turn two pages, at the bottom 4 left it should say PANINI 48. 5 Right near the top of the page begins an 6 email from you to Nick at Panini, J.J. at Beckett, 7 and then you've cc'd Rob Springs. And that's 8 August 23rd, 2018, at 9:29 a.m. Do you see that 9 email? 10 A. I do. 11 Q. Okay. That email states, "I'm out of the 12 office today, but I can have a call tomorrow night. 13 Initial thoughts. Do you have an image of back of 14 card? We are not going to change our stance on this 15 card. We don't like the auto and think the card is 16 currently altered. What did the owner say to you 17 guys? Why not stand by what we all agreed on? This 18 card has been out of your hands for two years." 19 Do you see all that? 20 A. I do. 21 Q. With that last question you asked, "Why 22 not stand by what we all agreed on," who are you 23 referring to when we say "we all agreed on"? 24 A. I would -- I would assume there, and being 25 that it was in 2018, talking about our staff in the</p>
<p style="text-align: right;">Page 79</p> <p>1 Brady rookie ticket auto buybacks in existence." 2 Do you agree that there are no other Tom 3 Brady rookie ticket auto buybacks in existence? 4 MR. UNIS: Object to form. 5 A. Personally I don't know that. I don't 6 know what other manufacturers have put in their -- 7 in their products that are considered buybacks. 8 Q. But personally are you aware of any other 9 Tom Brady rookie ticket auto buybacks? 10 MR. REED: Objection, form. 11 A. I'm personally not aware of any other 12 ones. 13 Q. Now, my client indicates a customer should 14 never have to question whether a card in a new 15 product release has been trimmed or altered in any 16 way. Would you agree with that statement? 17 MR. REED: Objection, form. 18 A. In my opinion, I agree with that. 19 Q. And you agree that a customer should never 20 have to question whether a card is trimmed if it's 21 in a graded Beckett slab? 22 MR. REED: Objection, form. 23 A. I agree. In my opinion, they shouldn't. 24 (Exhibit 6 marked) 25 Q. Handing your attorney what I've marked as</p>	<p style="text-align: right;">Page 81</p> <p>1 grading room, possibly, what we had talked to Nick 2 and Rob about before, about saying this has been out 3 of our possession. 4 Q. And do you recall when that agreement was 5 reached? 6 A. It would have been between this email on 7 August 23rd and when the card was brought back to 8 Beckett for another review. I think it was early 9 August. I don't remember the exact date, but in 10 August sometime, early August. 11 Q. And would it have been via email? 12 MR. REED: Objection, form. 13 A. I don't know for sure. There were 14 probably phone conversations in here as well. The 15 only thing I have are the emails here. 16 Q. I'll represent to you that I don't have an 17 email that shows any agreement between Beckett and 18 Panini that the card's been out of your hands for 19 two years so you shouldn't be responsible for it. 20 So that's why I ask if it would have been email 21 or -- you're saying it could have been phone calls? 22 MR. REED: Objection, form. 23 A. Could have very well been a phone call. 24 In some of the other emails that were produced, we 25 gave situations why we -- it's been out of our hands</p>